

**UNITED STATES ATTORNEY'S OFFICE  
DISTRICT OF NEW HAMPSHIRE**

**PLAN IMPLEMENTING**

**EXECUTIVE ORDER 13166**

**A. Purpose**

In compliance with Section 2 of Executive Order 13166, this plan details the United States Attorney's Office, District of New Hampshire initiatives and plans to improve access to its federally-conducted programs and activities by eligible individuals of limited English proficiency (LEP). For purposes of this Plan, the definition of "federally-conducted programs and activities" is identical to that used under the regulations implementing Section 504 of the Rehabilitation Act of 1973.

**B. Background**

On August 11, 2000, the President issued Executive Order 13166, titled "Improving Access to Services by Persons With Limited English Proficiency." 65 FR 50121 (August 16, 2000). On the same day, the Assistant Attorney General for Civil Rights issued a Policy Guidance Document, titled "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency" (hereinafter referred to as "DOJ LEP Guidance"), reprinted at 65 FR 50123 (August 16, 2000).

Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally-conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities. The DOJ LEP Guidance in turn advises each federal department or agency to "take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services they provide."

EOUSA and the United States Attorneys' Offices (USAOs) have been identified by the Department as "Components whose mission or primary function is to serve the legal, investigative, and policy needs of the Department or the Executive Branch in a manner that involves (and in some instances is dependent upon) interactions with the public, including predictable and periodic interactions with identifiable LEP populations in the performance of their duties."

**III. USAO-DM Plan For Implementation**

In an effort to implement the Plan, the USAO-District of New Hampshire identified five important elements of an acceptable Language Assistance Plan. The elements are:

- Assessment of LEP populations and language needs;
- Publication of a written language assistance plan;
- Provision of appropriate staff training about the plan;
- Public outreach and notice of the availability of language assistance; and
- Periodic self-assessment and self-monitoring.

#### **IV. Scope**

##### **A. Self Assessment**

An analysis of data from a variety of sources (to include the 2000 U.S. Census, implemented LEP plans from various private and non-profit entities, enrollment records of the City of Manchester and Manchester school systems, and review of our own records to establish how often interpreters are used and what languages need to be translated), demonstrated the largest concentration of LEP speakers are located in the City of Manchester. The five largest LEP communities in Manchester school system are Spanish, Bosnian, Arabic and Vietnamese. Although these were the largest identified LEA individuals, the schools, reported seventy-six different languages spoken by their students.

Review of our own records, revealed the use of interpreters and contact with LEP individuals in the District of New Hampshire is unpredictable and infrequent. However, when interpreters were used, the most frequently used non-English languages have been Portuguese, Creole, Arabic, Spanish, Hebrew, Polish and French.

In the District of New Hampshire, although use of interpreters and contact with LEP individuals is infrequent, there are readily accessible resources for both interpreting and translations.

##### **B. Stakeholder Consultations**

Entities or persons having a direct and substantial interest in the provisions of this Plan ("Stakeholders") include both the individual components of the Department (entities responsible for implementing this Plan) as well as LEP communities (the intended beneficiaries of the language assistance initiatives set out in this Plan). The USAO-District of New Hampshire will conduct an analysis of stakeholders' interest as needed, including a determination of the language assistance most frequently requested.

## **V. Language Assistance Plan**

In an effort to take reasonable steps to ensure “meaningful access,” the USAO-District of New Hampshire proposes to implement the following Plan:

### **A. EOUSA Language Assistance Principles**

The USAO-District of New Hampshire adopts the following language assistance principles for situations in which a LEP individual is seeking a USAO-District of New Hampshire service or benefit, or where there is potential for the direct imposition of a burden by the USAO-District of New Hampshire:

- LEP persons should be advised that they may choose either to secure the assistance of an interpreter of their own choosing, at their own expense, or that an interpreter will be provided by the USAO-District of New Hampshire. The provision of this notice and the LEP person’s election should be documented in any written record generated with respect to the LEP person.
- The USAO-District of New Hampshire will take reasonable steps appropriate to the circumstances to ensure that interpretation and translation services are provided only through individuals who are competent to provide such services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type and purpose of information at issue. District staff, who are fluent in a required foreign language, may be called to provide immediate translation assistance. If a specific language skill is not available within the District, interpretation and translation services will be requested from a commercial source.
- The USAO-District of New Hampshire will endeavor to expand the range or nature of language assistance measures (including the provision of services in languages in addition to those specified in this plan) whenever experience, changes in target or service population demographics, or new program-specific data indicates that the failure to do so may result in a denial of substantially equal and meaningfully effective services to a significant LEP population served by the component.
- To the maximum extent practical, LEP shall not restrict access to vital information, publicly available in English, regarding benefits or services provided by the USAO-District of New Hampshire.

## **B. Uniform Language Assistance Initiatives**

### **1. Oral and Written Information**

- The USAO-District of New Hampshire will have in place personnel or language assistance resources capable of providing, within a reasonable period of time, information and/or instructions in the most frequently requested languages.
- The USAO-District of New Hampshire will have in place, wherever public contact occurs, and as much as practical, translations of commonly requested information in the most frequently requested languages and/or procedures for accessing translation and interpretation services.
- As appropriate, the USAO-District of New Hampshire will provide written procedures for accessing telephone language assistance resources by: (1) posting the procedures or through an otherwise readily available source (e.g., through a component intranet system) at every point of public contact; and (2) distributing the procedures to every employee whose duties routinely include contact with members of the public.
- The USAO-District of New Hampshire will complete and distribute a listing of staff members assigned to the District who have volunteered to provide temporary language assistance services. Such staff members will be identified by name, office, physical location, business telephone number, work hours, language, and level of fluency.

### **2. Electronic Information**

USAO-District of New Hampshire will post our LEP policy on our web page accessible to the public.

### **3. Signage**

Signage in our reception area will identify which language translators are available in house.

## **C. Outside Resources**

By assessing those stakeholders with substantial interest in the provisions of the plan (federal, state, and local agencies), the USAO-District of New Hampshire will develop an outside resources index. The index will include the name of, contact information for and services available from the outside resource.

## **VI. Staff Training**

The USAO-District of New Hampshire employees expected to implement the language assistance initiatives set out in this Plan should be knowledgeable about: (1) the nature and scope of language assistance services and resources available through their employing component; and (2) the procedures through which they may access those services to assist in the discharge of their respective duties. The USAO-District of New Hampshire employees will receive instruction on the Plan by the following:

- A. Be provided with a language touch card and written information on the scope and nature of available or planned language assistance services and the specific procedures through which such services can be accessed at the employee's work location.
- B. During new employee orientation and/or training programs, a language touch card and a module on the nature and scope of language assistance services and the specific procedures through which each employee can access those services, will be provided.

## **VII. Outreach**

LEP individuals in need of language assistance services should have reasonable notice of the availability of such services. The USAO-District of New Hampshire will undertake appropriate written and oral outreach efforts designed to alert LEP communities and individuals as to the nature, scope, and availability of the language assistance services set out in this Plan.

- A. Where documents are available in other-than-English, the English version will include a notice of such availability in all languages in which the document is available;
- B. To the maximum extent possible, the USAO-District of New Hampshire will strive to inform stakeholder organizations of the nature and scope of available language assistance services through appropriate oral and written means; and
- C. In the future, when documents are available for viewing or downloading on the Internet, in languages other than English, an indication of such availability in each of the relevant foreign languages will be included on the web page.

## **VIII. Plan Measurements**

The USAO-District of New Hampshire Plan will be measured and evaluated by surveying the community, stakeholders and employees, and through conducting a cost-time analysis. Frequency of contact with LEP persons, participation of employees, positive and negative benefits and outcomes of the Plan will be assessed.

## **IX Monitoring and Updating the Plan**

The USAO-District of New Hampshire Plan will be reassessed annually to ensure the scope and nature of language assistance services provided under the Plan reflect updated information on relevant LEP populations, their language assistance needs, and experiences under the Plan. The Plan will be updated to incorporate newly acquired information.

